

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

James Crooks Trucking, Inc.
2388 Lopez Drive
Arroyo Grande, California 93420

ID No. CAD981404015

Respondent.

Docket HWCA 20050928

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and James Crooks Trucking, Inc, a California Corporation (Respondent) enter into this Consent Order and agree as follows:

1. Respondent handles hazardous waste at 2388 Lopez Drive, Arroyo Grande, California (Site).
2. The Department inspected the Site on September 20, 2005.
3. The Department alleges the following violations:

The Respondent violated Health and Safety Code section 25163(a) and California Code of Regulations, title 22, section 66263.17(a), in that between July 1, 2004 and September 29, 2004, Respondent transported hazardous waste sixty eight (68) times without a valid registration issued by the Department. The Respondent violated Health and Safety Code section 25163(a)(1), and) and California Code of Regulations, title 22, section 66263.17(a), in that between August 22, 2005 and September 2, 2005, Respondent transported hazardous waste ten (10) times without a valid registration issued by the Department

4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

5. Jurisdiction exists pursuant to Health and Safety Code section 25187.

6. Respondent waives any right to a hearing in this matter.

7. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

8. Respondent admits the violations described above.

SCHEDULE FOR COMPLIANCE

9. The violations have been corrected.

9.1. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

9.2. Effective immediately, Respondent shall not transport hazardous wastes without first receiving an Identification Number and a registration certificate from the Department.

PAYMENTS

10. Respondent shall pay the Department a total penalty of three thousand dollars (\$3,000), payable in four (4) payments of seven hundred fifty dollars (\$750.00) with payment in full by January 1, 2007.

Payments are to be made on or before each of the following dates: April 1, 2006, July 1, 2006, October 1, 2006, and January 1, 2007.

10.1. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with a copy of the attached Payment Vouchers to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Astrid L. Brown, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control
1515 tollhouse Road
Sacramento, California 93611

To: Charlene Williams, Chief
Northern Californai Branch
Statewide Compliance Division
Hazardous Waste Management Program
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Richard Sherwood
Office of Legal Counsel and Investigations
Department of Toxic Substances Control
1001 I Street, 23rd floor
P. O. Box 806
Sacramento, California 95812-0806

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

11. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

11.1. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

11.2. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

11.3. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

11.4. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: December 27, 2005

Original signed by James Crooks
Signature of Respondent's Representative

Dated: December 27, 2005

James Crooks, Owner
Typed or Printed Name and Title of
Respondent's Representative

Dated: January 10, 2006

Original signed by Astrid L. Brown
Astrid L. Brown, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control